

FACTSHEET

TITLE: **USE PERMIT NO. 43A, Stockwell Office Park**, requested by Stockwell Properties, L.L.C., to permit 48,675 sq. ft. of office and financial space, including a waiver request to allow signs in the required front yard along South 13th Street, on property generally located south of Stockwell Street between South 13th Street and South 14th Street.

STAFF RECOMMENDATION: Conditional approval, as revised on January 8, 2001 (p.031).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/10/01
Administrative Action: 01/10/01

RECOMMENDATION: Conditional Approval, with amendments (7-0: Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Hunter declared a conflict of interest; Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval, as revised, is based upon the "Analysis" as set forth on pp.4-5, concluding that the office uses are appropriate for this area; however, the most intensive use has been placed closest to the residential neighborhood.
2. The applicant's testimony is found on p.9-12, and the proposed amendments to the conditions of approval as requested by the applicant are found on p.32-36.
3. Danny Walker testified in opposition because the applicant did not notify the affected neighborhood association; however, it was clarified by the staff that the Planning Department did send notice of this application and hearing to the Indian Village Neighborhood Association (See Minutes p.11 and 13).
4. The discussion by the Commission with the staff concerning the proposed amendments to the conditions of approval is found on p.11. The staff disagrees with the proposed amendment to Condition #1.1.1 and continues to recommend that the drive-thru bank facility be relocated to the northwest portion of the site. The staff was also opposed to the waiver to allow the placement of signs in the front yard setback along South 13th Street (Condition #1.1.7, p.6, and #4.1, p.7).
5. The Commission's discussion with the applicant is found on p.12.
6. On January 10, 2001, the Planning Commission voted 7-0 to agree with the Planning staff recommendation of conditional approval, as set forth in the staff report dated January 29, 2001, with the amendments as requested by the applicant, and with amendment to add Condition #1.1.12 to require that the detention facility have water surface and a fountain. The amended conditions of approval are found on p.6-8.
7. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.016).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 29, 2001

REVIEWED BY: _____

DATE: January 29, 2001

REFERENCE NUMBER: FS\CC\FSUP43A

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****As Revised by Planning Commission on January 10, 2001****

HISTORY:

The property was converted from A-2 Single Family Dwelling to P Public Use in the 1979 Zoning Update.

January 4, 1988	City Council approved Change of Zone #2368, which changed the zoning on the property from P Public Use to O-3 Office Park.
January 4, 1988	City Council approved Use Permit #43, which permitted a 35,000 square foot office building on the property.
January 11, 1988	City Council approved Change of Zone 2372, which changed the zoning from P Public Use District to O-3 Office Park on the United States Post Office property west of S. 13 th Street. The long southern tip of the Post Office property was left in P Public Use zoning to ensure that the land would remain open space.
May 20, 1991	City Council denied Change of Zone #2631, which would have changed the zoning on the sliver of land south of the Post Office between Highway 2 and S. 13 th St. from P Public Use to O-3 Office Park. The basis for the denial was that this was an important entryway to the city and an inappropriate location for O-3 Office Park.
Dec. 13, 2000	The applicant withdrew Combined Special Permit/Use Permit #17, which would have permitted 46,175 square feet of office space and 2,500 square feet of drive through restaurant space. Use Permit 43A replaces the combined permit.

SPECIFIC INFORMATION:

UTILITIES: Utilities are available.

TOPOGRAPHY: The site gently slopes from northeast to southwest.

TRAFFIC ANALYSIS: S. 14th St. is classified as an Urban Collector and S. 13th St. is identified as Minor Arterial in both the Existing and Future Functional Street and Road Classification in the Comprehensive Plan.

Highway 2 is shown as six lanes in the Long Range Transportation Plan “Improvements for Future Road Network” diagram.

The Lincoln Area Current and Future Trails Network shows a trail running along S. 14th St. from Pioneers to Van Dorn.

Public Works and Utilities reports:

In regard to the waiver request concerning the installation of sidewalk along 13th Street, the letter dated November 7th, 2000 stated that the Sidewalk Department cannot support this waiver. The Sidewalk Department still stands by this decision.

PUBLIC SERVICE: The nearest Fire Station is #8, located at S. 17th Street and Van Dorn Street

REGIONAL ISSUES: Entryway impact

ENVIRONMENTAL CONCERNS: Lincoln-Lancaster County Health Department reports:

The LLCHD has not identified any potential negative environmental health impacts from this proposed development.

However, given the proximity to R-2 of the proposed development, the applicant is encouraged to review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.

With respect to storm water management, LLCHD does have some concerns regarding the increase in paved parking lots and the accompanying increase of polluted runoff. The applicant is encouraged to incorporate better parking lot designs which will minimize polluted runoff.

AESTHETIC CONSIDERATIONS: Entryway corridor, the eastern portion of the site is in a Capitol View Corridor, and neighborhood compatibility

ALTERNATIVE USES: Smaller scale office park which preserves some of the open space on this entryway to the city, an example of which was the 35,000 square foot office building approved by Use Permit 43.

ANALYSIS:

1. This Use Permit is to allow 48,675 square feet of office and financial space, along with requests to waive the installation of sidewalks along S. 13th St. and to place signs in the required front yard along S. 13th St.
2. The proposed development represents a 28% increase in square footage over the previously approved Use Permit
3. The eastern portion of the property is located in a Capitol View Corridor. The proposed uses do not appear to conflict with the Corridor.
4. The primary access point for the 3,000 square foot drive through bank is opposite the residential uses on S. 14th St, and the drive through facilities are on the side of the bank closest to the residential.

5. According to Trip Generation, 6th Edition, a 3,000 square foot drive in bank would generate a weekday average of 796 trips and a Saturday average of 198 trips. The same amount of floor area of medical-dental office space would generate 108 weekday trips and 7 Saturday trips, and of general office would generate 33 weekday trips and 27 Saturday trips.
6. One of the Comprehensive Plan's goals for existing Urban Residential areas such as the one east of S. 14th St. is to preserve and maintain the community's existing, useable housing stock. Drive through banking facilities could adversely affect the housing located directly across the street.
7. Regarding the "Neighborhood Center" level of commercial development, the Comprehensive Plan states on page 63: "New neighborhood commercial facilities should improve integration into residential areas, and be accessible to pedestrians as well as automobiles." The Neighborhood Center designation applies primarily to retail uses, however office development should also further the goals of the Comprehensive Plan.
8. The Comprehensive Plan states: "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio (FAR) of 0.25. Higher or lower FAR may be appropriate if the sites are found to be suitable for a more intensive or less intensive density utilizing the zoning criteria described in the plan." The proposed 48,675 sq. ft. development has an FAR of 0.31.
9. The proposed intensity has not been mitigated by additional landscaping; the applicant proposes placing the highest traffic generator adjacent the residential uses; the request to allow signs in the front yard setback increases the development's visual impact in this entryway; and a waiver of sidewalks would serve no apparent public interest.
10. The request for a waiver to place signs in the front yard setbacks should not be granted. Scaling back the intensity of development would provide ample room for signs outside the front yard setbacks.
11. Public Works and Utilities does not support the request to waive sidewalks on S. 13th Street.
12. Relocating the drive through bank would reduce the development's impact on the neighborhood and protect abutting residential land uses.

STAFF CONCLUSION: The office uses are appropriate for this area, however the most intensive use has been placed closest to the residential neighborhood.

STAFF RECOMMENDATION:

Conditional approval of the Use Permit

CONDITIONS FOR USE PERMIT:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Revise the site plan to show:

- 1.1.1 Revise the landscape plan to show additional landscaping along S. 14th Street to provide a 100% screen of the vertical plane from 2 to 15 feet extending along the drive through banking facilities located on the northwestern portion of the site. (****Per Planning Commission, 01/10/01****)
- 1.1.2 Provide parking lot screening that meets Design Standards.
- 1.1.3 Orient the vicinity map so that its north matches that of the Site Plan and show more streets, including S. 13th and Highway 2.
- 1.1.4 In Note 5, add "a municipal corporation," after "Nebraska,"; remove "communications" after "Alltel"; replace "T.V. Transmission" with "Time Warner Entertainment-Advance/Newhouse"; add Peoples Natural Gas, and add "gas," after "electricity"; and replace "plat" with "site plan".
- 1.1.5 In Note 14, add "to the Public Works and Utilities Department" after "schedule" and replace "is done" with "begins".
- 1.1.6 In Note 18, add "on S. 13th Street" after "to the north of this site". Revise Note 18 to state: The Developer agrees to install sidewalk along S. 13th Street. Due to the grade of the S. 13th Street right-of-way the sidewalk will be located between the curb of S. 13th Street and the street light poles. (****Per Planning Commission 01/10/01****)
- ~~1.1.7 Delete Note 20, which addressed signs in the front yard setbacks. (****Per Planning Commission 01/10/01****)~~
- 1.1.8 Revise Note 21 to read "All signs shall be in compliance with Chapter 27.69 of the L.M.C., except to the extent a waiver is granted permitting signage in the front yard setback along S. 13th Street." (****Per Planning Commission 01/10/01****)
- 1.1.9 In Note 24, change "presented to the Planning Department" to "included as Exhibit A as part of Use Permit approval".

- 1.1.409 If the drive through bank features a canopy, provide an elevation showing the canopy design.
- 1.1.4110 Show the residential drives on the east side of S. 14th St. ~~and align the parking lot exit with one of the drives.~~
(Per Planning Commission 01/10/01**)**
- 1.1.4211 In Notes 5, 6, and 8, replace “is hereby dedicated/granted” with “shall be granted in the final plat”.
- 1.1.12 The detention facility with water surface and a fountain. **(**Per Planning Commission 01/10/01**)**

2. This approval permits 48,675 square feet of office and financial use and rescinds Use Permit #43.

General:

3. Before receiving building permits:
- 3.1 The construction plans shall comply with the approved plans.
- 3.2 Administrative Final Plats shall be approved by the City.
4. The City Council shall have approved:
- 4.1 A waiver permitting placement of signage in the front yard setback along S. 13th Street.
(Per Planning Commission 01/10/01**)**

STANDARD CONDITIONS:

45. The following conditions are applicable to all requests:
- 45.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
- 45.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 45.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 45.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

45.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jason Reynolds
Planner

USE PERMIT NO. 43A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 10, 2001

Members present: Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer; Hunter declared a conflict of interest; Steward absent.

Planning staff recommendation: Conditional approval.

Jason Reynolds of the Planning staff submitted additional information amending Condition #1.1.11 to read: "Show the residential drives on the east side of South 14th Street.", deleting the remaining language.

Proponents

1. Don Linscott, member of **Stockwell, L.L.C.**, the owner, presented the application. This property is a triangular property bounded on the west by 13th, on the north by Stockwell, and on the east by 14th Street. It is a rather difficult piece of property to work with as far as access. The owner/developer has worked for six months to come up with a good plan that would be workable for this area. The owner recognizes that this is one of the properties that is a gateway to the City, and they believe they were able to come up with some ideas that would help this property, i.e. locating the two-story building on the northeast corner with all of the other properties being single story. In looking at this gateway, they tried to look at different buildings that would be acceptable in this area. They have designed a building, both one-story and two-story, that would have metal roof with brick all the way around. This concept will work very well with the one-story along 13th Street and south part of 14th, with the two-story in the very corner.

2. DaNay Kalkowski, Seacrest and Kalkowski, submitted proposed amendments to the conditions of approval. She explained that this application was originally scheduled for public hearing on December 13, 2000, and at that time the site plan showed a drive-thru restaurant at the south end where the drive-thru bank is now proposed to be located. The developer met with staff and requested to delay in order to make changes to the site plan to address the staff concerns. The site plan today reflects several changes as a result of those discussions. The drive-thru restaurant at the south end of the site, which is a special permitted use, has been replaced with a drive-thru bank facility, a use allowed by right; they have removed all sign envelopes out of the front yard setback except those along 13th Street; revisions have been made to the parking lot to address concerns of Public Works; sidewalks are shown along all the streets with a waiver of the sidewalk along 13th until a sidewalk to north and south is built. The developer has provided Planning with proposed design features for the buildings to incorporate as part of the use permit.

A neighborhood meeting was scheduled with the owners of the residential properties located on east side of 14th Street.

Kalkowski offered that the applicant comes today with only two issues pertaining to the staff conditions: Location of the bank building at the south end of the site, and placement of the sign envelopes along 13th within the front yard setback.

Kalkowski then addressed the proposed amendments to the conditions of approval. Condition #1.1.1 requires that the drive-thru bank be moved to the northwest corner. The developer has spent a lot of time to design this site in a manner that works the best for the overall layout and to keep the one-story on the west side of the site. The applicant believes that overall the best location for this bank to make the site work is on the south part of the site as shown. The southeast corner started as a drive-thru restaurant and the owners agreed to change it to a bank with less intense use, traffic and shorter hours of operation to be more consistent with the residential neighbors to the east.

Kalkowski reported that no one attended the neighborhood meeting and none of the neighbors have called.

Kalkowski further offered that at the developer's own initiative, the amendment to Condition #1.1.1 puts additional landscaping along 14th to provide 100% vertical screen from 2' to 15' high along that bank location site.

Condition #1.1.6 pertains to the sidewalk along 13th Street. The applicant had requested the waiver initially until other sidewalks are built. Public Works did not support the waiver so the applicant is showing the sidewalk but would request that the location be clarified. Because of the grades of the right-of-way on 13th Street, it will need to be placed up closer to 13th Street because 13th is built with a ditch and to place the sidewalk closer to the property line is not feasible from a grading standpoint. Kalkowski believes this amendment is acceptable to Public Works.

Condition #1.1.7 deals with the signage in the front yard setback. All of the sign envelopes except along 13th Street are outside of the front yard setback. Two signs on 13th Street are located partially in the front yard setback and the south one is located entirely in the setback, but there is no possibility to move to the south because it is a detention pond. Because of the additional right-of-way on 13th Street, Kalkowski believes there is more flexibility in placing the signs partially within the front yard setback without having an adverse impact on the visual aspect coming up 13th Street. The signage will be further from the roadway than you would see signage in the typical O-3 district because of the extra right-of-way on 13th Street.

Newman inquired whether the applicant notified the neighborhood association. Kalkowski responded that the biggest concern was the abutting neighbors so the applicant got their addresses and sent them a letter before Christmas and held the meeting in January.

Carlson was having difficulty in relocating the bank site. **J.D. Burt of Design Associates** explained that one of the applicant's concerns was the entryway corridor and the neighbors on the other side of the street. The northerly portion of block face on east of 14th Street is zoned B-1 and the southerly portion is zoned R-2. The applicant desired to keep all the two-story buildings adjacent to the B zoning as opposed to the Residential. If you take the bank out of the southerly portion to the northwest corner, you end up with a design problem as far as getting the building area that they now have and staying with one-story buildings.

The elevation becomes two-story instead of one across from a residential district. The medical office tenants are looking for smaller buildings. If we combined medical into a two-story building, we have defeated the purpose of having the front door parking for those medical uses.

Carlson then referred to the signs and asked whether they are monument type signs. Linscott confirmed that they are monument signs. The owner tried to go the State to buy the strip along 13th Street in order to have that as part of the front yard, and the State would not sell the property. Carlson commended the applicant for the additional landscaping on 14th Street. He wanted to know what the view would be from the back or side of the bank. Linscott explained that south of the bank site is a detention cell that is about 6' deep. The thought is to put a fountain in there, dig a well and have permanent water. There are currently 5-6 existing trees at the very bottom of the site. By adding trees, they would try to do the 100% screening, but plant big enough trees that it does not take 10 years to get to the 100% screen.

Opposition

1. Danny Walker, 427 E Street, takes exception to a previous statement about notifying the neighborhood. Proper protocol should be to contact the neighborhood association when you want to come in and build unless you have something to hide.

Staff questions

Schwinn asked staff to respond to the proposed amendments to the conditions of approval. Reynolds advised that the staff disagrees with the change to Condition #1.1.1 and continues to recommend the relocation of the drive-thru facility to the northwest portion of the site. The staff also continues to recommend that the waiver of signs not be approved.

With regard the staff's rationale for moving the bank facility, Reynolds explained that financial institutions are allowed as a permitted use in the O-3 district; however, it is not a by-right use. Land use wise, one of the goals is to protect the existing residential neighbors. The screen is a nice amenity; however, it does not screen the additional traffic generated by a drive-thru bank, which generates about 7 times the number of trips of a medical office building the same size. The traffic would be coming primarily off of Burnham Street past the houses. On the northwestern portion of the site, the primary traffic would be off Stockwell near the existing B-1 as opposed to in front of the residences.

With regard to signage, Reynolds observed that the large right-of-way does not create an unusual circumstance to necessitate placing signs in the setback. There is not anything in that right-of-way to prevent visibility of signs outside the front yard setback nor is there any comparable facility in the area with which those signs need to compete.

Bayer asked whether the staff would support the medical office building in the southern corner. Reynolds stated that this would be acceptable.

Response by the Applicant

Linscott's rebuttal was that the applicant has really worked on this site over the last six months, working with the Planning Department on an initial plan that did not work very well. Then they submitted a potential fast-food and we thought in accommodating the Planning Department hopefully this would be an entryway to the city and reconfigured it for a bank location. The owner is working with a credit union for the use of this site at this point in time, not a bank. In redesigning this we worked very hard to come up with a very acceptable plan for a financial institution to locate as shown. With a triangular property it is difficult to figure out the use of the southern property. Along Stockwell, there must be a 10'-11' variance between Stockwell and Burnham, creating a tremendous grade difference that is difficult to work with. All users will be required to follow the building design with the metal roofs, etc. The applicant looked at moving the financial institution but from a traffic standpoint, it doesn't work. We probably worked 15 different plans in trying to make it fit.

Burt discussed the traffic issues. Before the intersection of Hwy 2 and 14th, 14th Street came straight from the south straight through the intersection and this piece of ground was located on the west side of the arterial street. Today, it is a collector street with 30 mph, indicating that if there is an anticipation of traffic it will be consistent with what is proposed. The intersection of 14th & Burnham is a private driveway maintained by the Dept. of Roads. This intersection carries its fair share of traffic in and out of the Dept. of Roads. Burt suggested that this particular design is not inconsistent with what you would expect along this type of designated roadway.

Carlson asked about swapping the two-story for the one-story, etc. Burt explained that the big hurdle is the proximity to parking for the anticipated tenants, particularly with the medical type office buildings. They want front yard parking for their patients. Our plan tries to keep the height down because of the neighbors and the proximity to parking. Burt believes they have a reasonable location for the financial institution and it is less intense traffic-wise, noise-wise, and pollution-wise than a drive-thru restaurant.

Carlson finds moving the bank attractive, but in the absence of moving the bank it is important to protect the corridor with a high amenity look. With what's in front of him, he has difficulty seeing those amenities. How can we make sure they occur? Burt suggested that the screening amendment takes care of the concerns with the lights and noise for the neighbors on the east. Linscott indicated that they have talked internally about the financial institution being under the same design criteria as the rest of the center. You will see the west and south coming down 13th. On the south is the detention pond that they would commit to making a lake and fountain. The thing that you have in this plan is the drive-thru on the east side so that most people coming into Lincoln on 13th Street will see a one-story building and they will not be able to tell the difference from the south or west as to whether it is a bank or an office building. It will be the same visually.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 10, 2001

Carlson moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Newman.

Carlson believes that the elevations presented are attractive; the buildings are attractive; he believes the medical office uses are appropriate; the screening they have provided is great; the balance point is that we have a relatively dense site which can work, but we either need to move the most intense use into the best spot to mitigate, or do whatever landscaping or buffering that is possible to protect the neighborhood people or the people moving through the corridor.

Newman agreed with Danny Walker's testimony. She is disappointed that the Indian Village Neighborhood Association was not notified. She is wondering whether it might be something as simple as putting the entrance to the drive-thru bank on 13th instead of 14th, which would prevent the traffic from coming up that side.

The Clerk advised the Commission that the Indian Village Neighborhood Association received notice of this application and public hearing from the Planning Department, as well as property owners within 200' of the boundaries of the application.

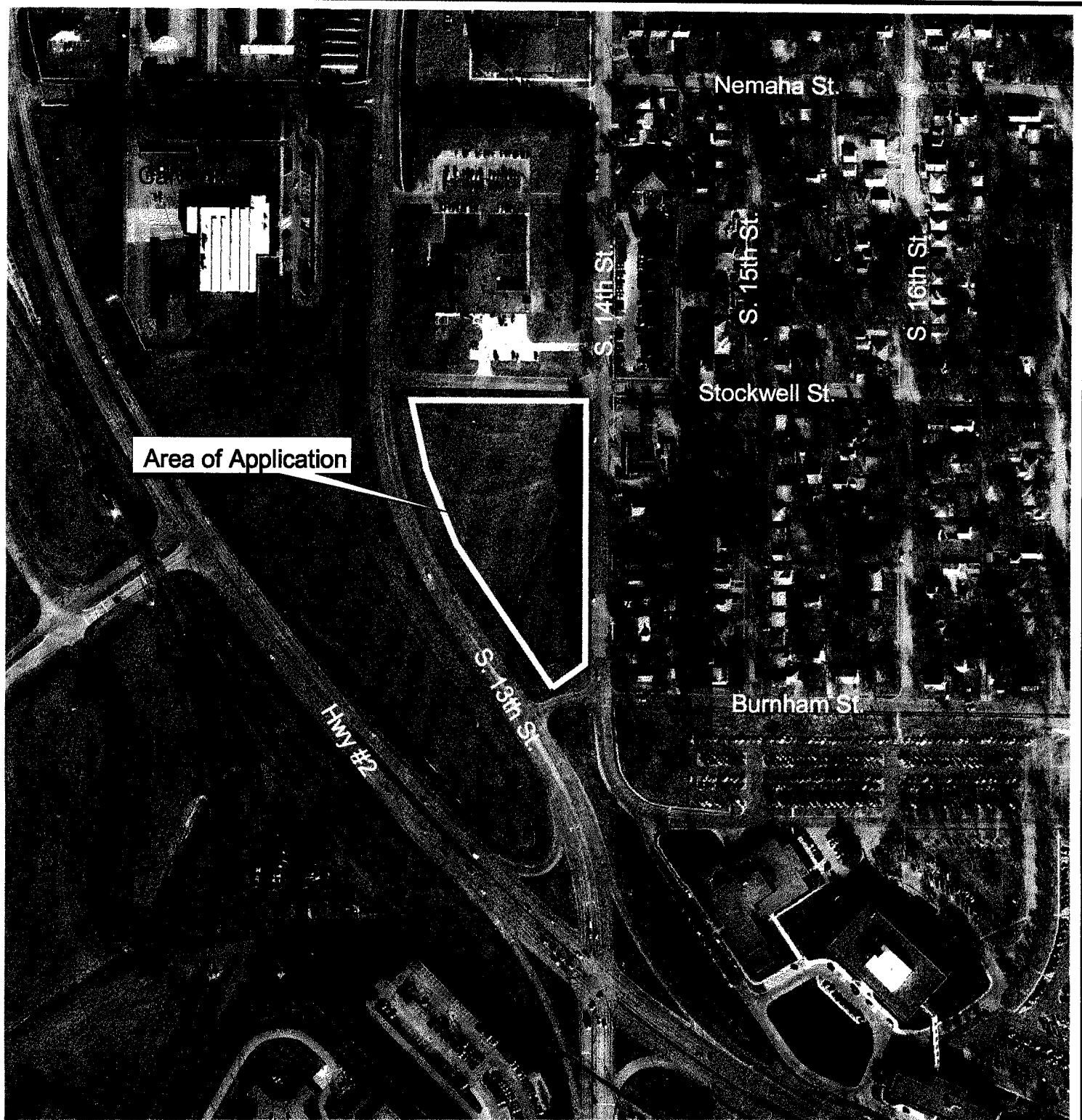
Reynolds of Planning staff stated that the staff is not certain how it would work with the entrance off 13th Street. That would most likely require some sort of authorization from the State for a curb cut in that location.

Reynolds also offered that the fountain could be added as a condition of approval.

Carlson moved to amend to add new Condition #1.1.12 to require the permanent water feature as described by the applicant, seconded by Newman. Carlson believes it serves the function the Commission has discussed. Motion to amend carried 7-0: Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Hunter declared a conflict of interest; Steward absent.

There was concern about making sure that the renderings submitted were part of the conditions of approval. Reynolds advised that Condition #1.1.9 requires that the renderings become a part of the use permit approval. The landscaping they are proposing is not required for screening by the zoning ordinance. Condition #1.1.1 describes a landscape screen in the applicant's motion to amend so this covers the new landscape submittal.

Main motion for conditional approval, with amendments as requested by the applicant, and with amendment to add Condition #1.1.12, carried 7-0: Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Hunter declared a conflict of interest; Steward absent.



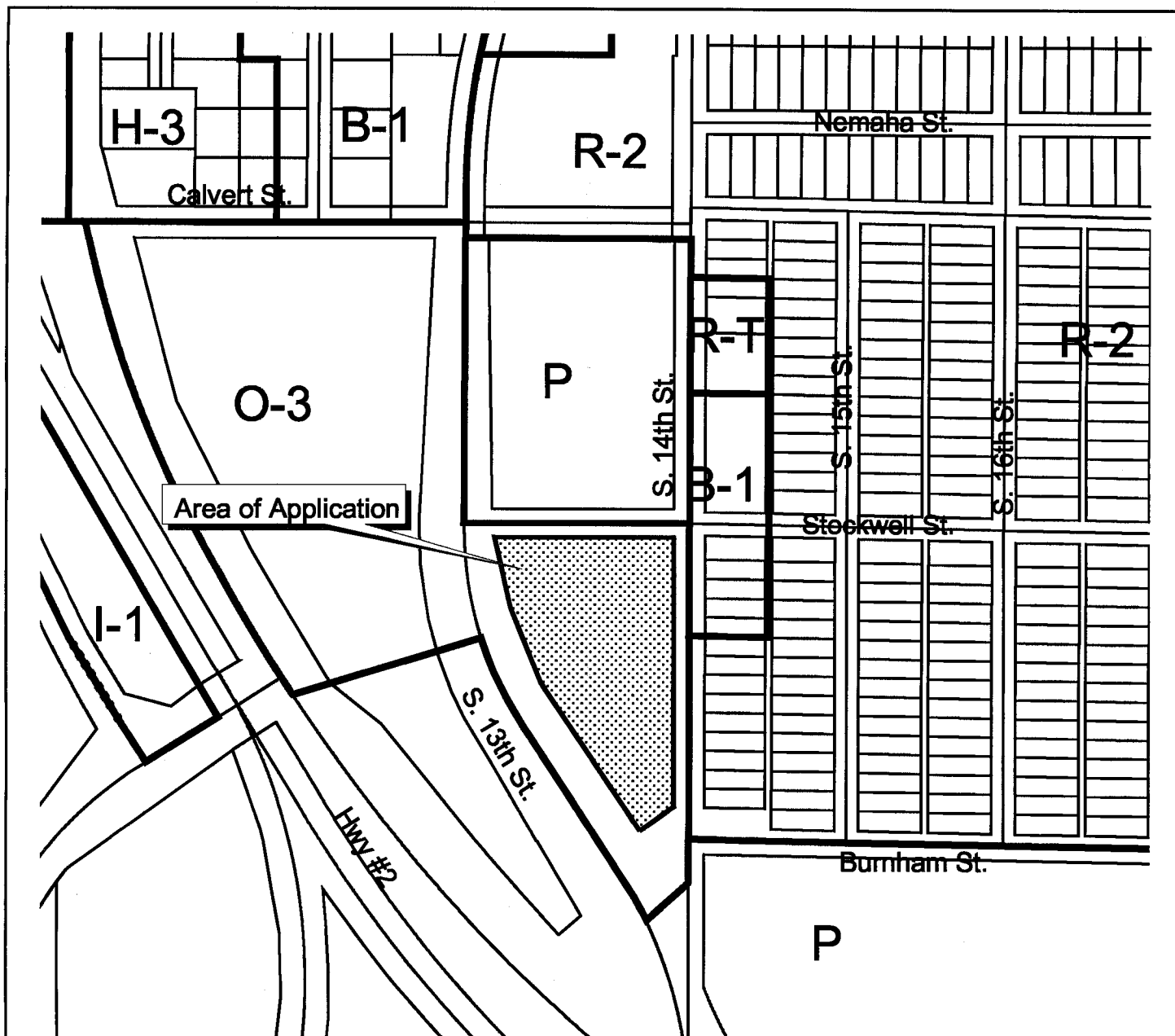
Use Permit #43A
S. 13th & Stockwell St.
Stockwell Office Park



Sheet 1 of 3

Date: 1-2-01

Photograph Date: 1997 **014**
 Lincoln City - Lancaster County Planning Dept.



Use Permit #43A **S. 13th & Stockwell St.** **Stockwell Office Park**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

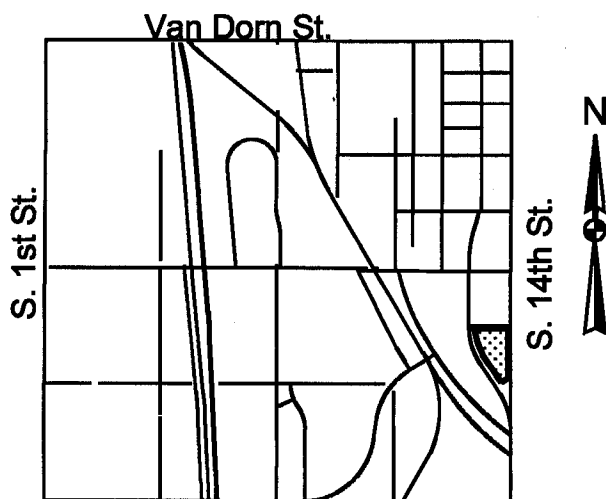
One Square Mile
 Sec. 2 T9N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction



Pioneers Blvd.

Sheet 2 of 3
 Date: 1-2-01

015

Lincoln City - Lancaster County Planning Dept.



GENERAL NOTES

1. ALL ELEVATIONS AND CONTOURS ARE TO NAVD '88.
2. LOT DIMENSIONS MAY VARY UP TO FIVE FEET.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL DIMENSIONS ARE TO FACE OF CURB.
5. EASEMENTS SHOWN THEREON SHALL BE GRANTED IN THE FINAL PLAT IN PERPETUITY TO THE CITY OF LINCOLN, NEBRASKA, A MUNICIPAL CORPORATION, LINCOLN ELECTRIC SYSTEM, ALLTEL, TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE, PEOPLES NATURAL GAS, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, PIPES, AND EQUIPMENT FOR DISTRIBUTION OF ELECTRICITY, GAS, TELEPHONE, CABLE TELEVISION, WATER, SANITARY SEWER, STORM DRAINAGE AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING SITE PLAN. THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES SHALL BE PROHIBITED.
6. A BLANKET UTILITY EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOT 'A' FOR ALLTEL, TIME WARNER CABLE AND THE LINCOLN ELECTRIC SYSTEM.
7. ANY CONSTRUCTION OR GRADE CHANGES IN LINCOLN ELECTRIC SYSTEM (LES) TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
8. A COMMON ACCESS EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOT 'A' TO PROVIDE ACCESS TO LOTS 1 THROUGH 5. A COMMON PARKING EASEMENT ~~IS HEREBY~~ ^{SHALL BE} DEDICATED OVER OUTLOT 'A' FOR THE BENEFIT OF LOTS 1 THROUGH 5.
9. HANDICAP ACCESSIBLE PARKING STALLS AND RAMPS SHALL BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, FEDERAL REGISTER / VOLUME 58, NUMBER 144 / RULES AND REGULATIONS.
10. PARKING STALLS, SIDEWALKS, DRIVEWAYS, AND PAVEMENT SHALL BE DESIGNED AND BUILT IN COMPLIANCE WITH CITY OF LINCOLN DESIGN STANDARDS. PARKING LOT PAVING TO BE 5" OF CLASS "A" PORTLAND CEMENT CONCRETE, OR 6" OF ASPHALTIC CONCRETE, OR 4" OF CRUSHED ROCK BASE, AND 3" OF ASPHALTIC CONCRETE. SIDEWALKS TO BE 4" CONCRETE.
11. A MINIMUM SIX FOOT SIDEWALK SHALL BE BUILT AROUND ALL PARKING AND BUILDING AREAS AS SHOWN.
12. ALL DRIVEWAYS AND DRIVING AISLES SHALL BE 25 FEET WIDE, UNLESS SHOWN OTHERWISE.
13. AN APPROVED BARRIER ALONG BOTH SIDES OF ALL DRIVEWAYS AND ALONG THE PERIMETER OF ALL PARKING AREAS SHALL BE PROVIDED.
14. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE TO THE PUBLIC WORKS AND UTILITIES DEPARTMENT BEFORE SITE GRADING BEGINS.
15. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH LES REQUIREMENTS.
16. ALL LANDSCAPING AND STREET TREES SHALL BE INSTALLED IN COMPLIANCE WITH DESIGN STANDARDS AND WILL BE LOCATED OUTSIDE OF ALL APPLICABLE CRITICAL SITE TRIANGLES.
17. EXISTING TREES AND OTHER VEGETATION SHALL BE REMOVED AS SHOWN.
18. THE DEVELOPER AGREES TO INSTALL SIDEWALK ALONG SOUTH 13TH STREET. DUE TO THE GRADE OF THE SOUTH 13TH STREET RIGHT OF WAY, THE SIDEWALK WILL BE LOCATED BETWEEN THE CURB OF SOUTH 13TH STREET AND THE STREET LIGHT POLES.
19. BUILDINGS SHALL NOT EXCEED 45' IN HEIGHT.
20. A WAIVER IS HEREBY REQUESTED TO ALLOW PLACEMENT OF SIGNAGE WITHIN FRONT YARD SETBACKS ALONG 13TH STREET.
21. ALL SIGNS SHALL BE IN COMPLIANCE WITH CHAPTER 21.69 OF THE L.M.C., EXCEPT TO THE EXTENT A WAIVER IS GRANTED PERMITTING SIGNAGE IN THE FRONT YARD SETBACK ALONG SOUTH 13TH STREET.
22. ALL SIGNS SHALL BE LOCATED OUTSIDE OF ALL APPLICABLE CRITICAL SITE TRIANGLES.
23. NO PART OF THE BUILDING, INCLUDING PROJECTIONS SHALL EXTEND PAST ANY LOT LINE.
24. DEVELOPMENT OF THE SITE WILL BE CONSISTENT WITH THE THEME INCLUDED AS EXHIBIT "A" AS PART OF USE PERMIT APPROVAL.
25. FINAL DESIGN OF THE DETENTION CELL IN THE SOUTHEAST CORNER OF PROPERTY SHALL INCLUDE A WATER LEVEL, AND FOUNTAIN.

R OF THE SE 1/4
N 2, T4N R6E

E 689.92'

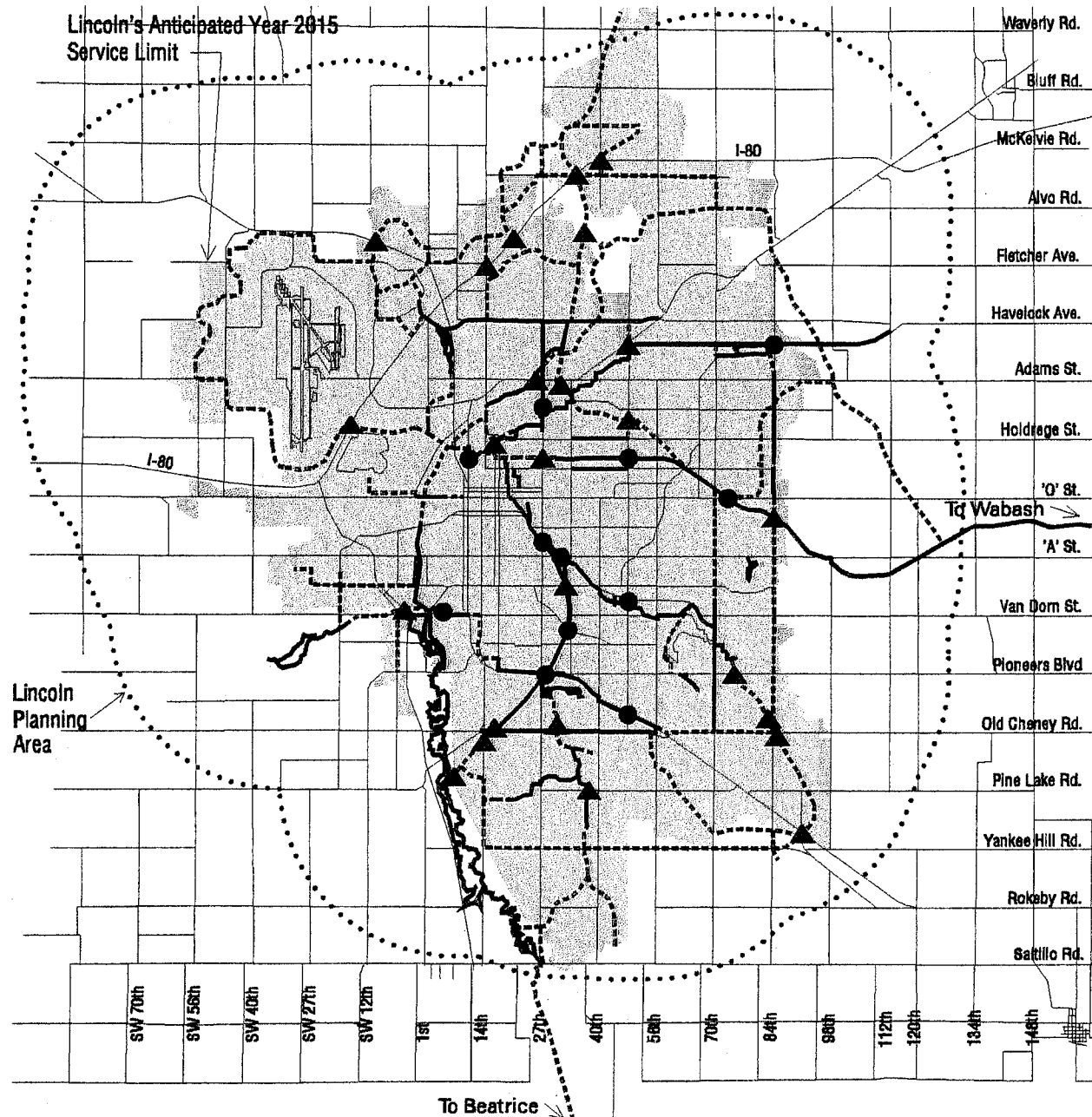


Figure 38

Lincoln Area Current and Future Trails Network (Potential trails in beltway corridors to be determined.)
Source: Trails Master Plan



Lincoln City/Lancaster County Comprehensive Plan

- Current Trails
- - - Future Trails
- Existing Grade Separation
- ▲ Future Grade Separation

NOTE: The Details Of Future Trail Locations Are To Be Determined

018

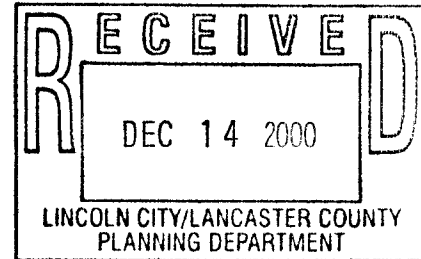
**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

December 14, 2000

Kathleen Sellman
Lincoln-Lancaster County
Planning Department
555 South 10th Street

RE: Combined Use Permit/Special Permit #17
Stockwell Office Park
13th and Stockwell Street



Ms. Sellman:

On December 11, 2000, the developer and his representatives met with Planning Department staff to discuss conditions of approval for the referenced application. The following is offered in response to Conditions of Approval dated November 17, 2000 and staff comments from the December 11th meeting.

The site plan has been revised to include conversion of the drive-through facility from restaurant to financial institution and all requested information, dedications and revisions noted in Conditions of Approval with the following exceptions:

Condition of Approval 1.1.4- "The sign envelopes removed from the front yard setbacks... and Condition 1.1.5- "Remove Note 21, regarding the waiver request for signage in the front yard setbacks".

The site plan and associated General Notes have been revised to eliminate sign envelopes located within front yard setbacks along Burnham, Stockwell and 14th Streets. A waiver continues to be requested for sign envelopes in the 13th Street front yard setback. This waiver is requested due to the excessive right-of-way width along 13th Street that ranges from 65' to 85', rather than the typical 50' width of other similar major streets.

Condition of Approval 1.1.9- "Show one entrance drive on Stockwell Street and internal parking circulation..."

The parking lot located immediately south of Stockwell Street has been revised to include an internal circulation aisle, as requested. Public Works indicated no objection to the two proposed Stockwell Street driveways, as originally submitted.

Condition of Approval 1.1.11- "Replace Prairiefire Crab with a plant from Lincoln's Plant Material List."

The submitted landscape plan continues to include Prairiefire Crab along the 14th Street frontage. This species has been identified by the Parks as the required street tree along 14th Street between Old Cheney Road and Calvert Street.

Condition of Approval 1.1.13- "Show sidewalks along South 13th and Burnham Streets..."

Sidewalk has been added along Burnham Street. Currently, sidewalk is not available either north or south of the site along 13th Street to provide an extension of the requested sidewalk. The developer has no objection to the installation of sidewalk along 13th Street provided that installation is in conjunction with sidewalk installation north of the site to provide a continuous connection between Burnham Street and vacated Calvert Street. General Note 18 that states "A waiver of sidewalk is hereby requested along South 13th Street. The developer agrees to install sidewalk along 13th Street in conjunction with the installation of sidewalk on adjacent property to the north of this site." This note has been included to address staff concerns regarding the 13th Street sidewalk.

Requested waivers of this application include:

- Waiver to allow placement of signage within envelopes located in the 13th Street required front yard, and
- Waiver of sidewalk construction along 13th Street until such time as sidewalk is constructed on the adjacent property located to the north.

In addition, concept elevations have been included with this re-submittal. A general note has been added that states "Development of the site will be consistent with the theme presented to the Planning Department." This information is being provided to ensure consistent architecture within the site due to the high visibility of the development from the adjacent entry corridors.

Finally, it is our understanding that due to the elimination of the drive-through restaurant, a Combined Use Permit/Special Permit is no longer required. Documents have been revised to indicate this application as Use Permit #43A, an amendment to the approved Use Permit for this site.

Please advise if additional information is needed.

Sincerely,



J.D. Burt
For the firm

Attachments: Concept Elevations

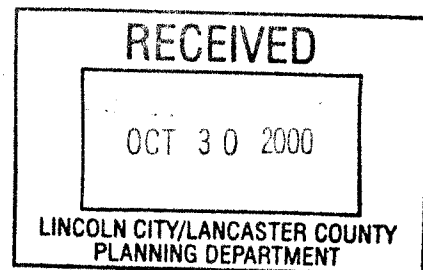
cc: Don Linscott
DeNay Kalkowski

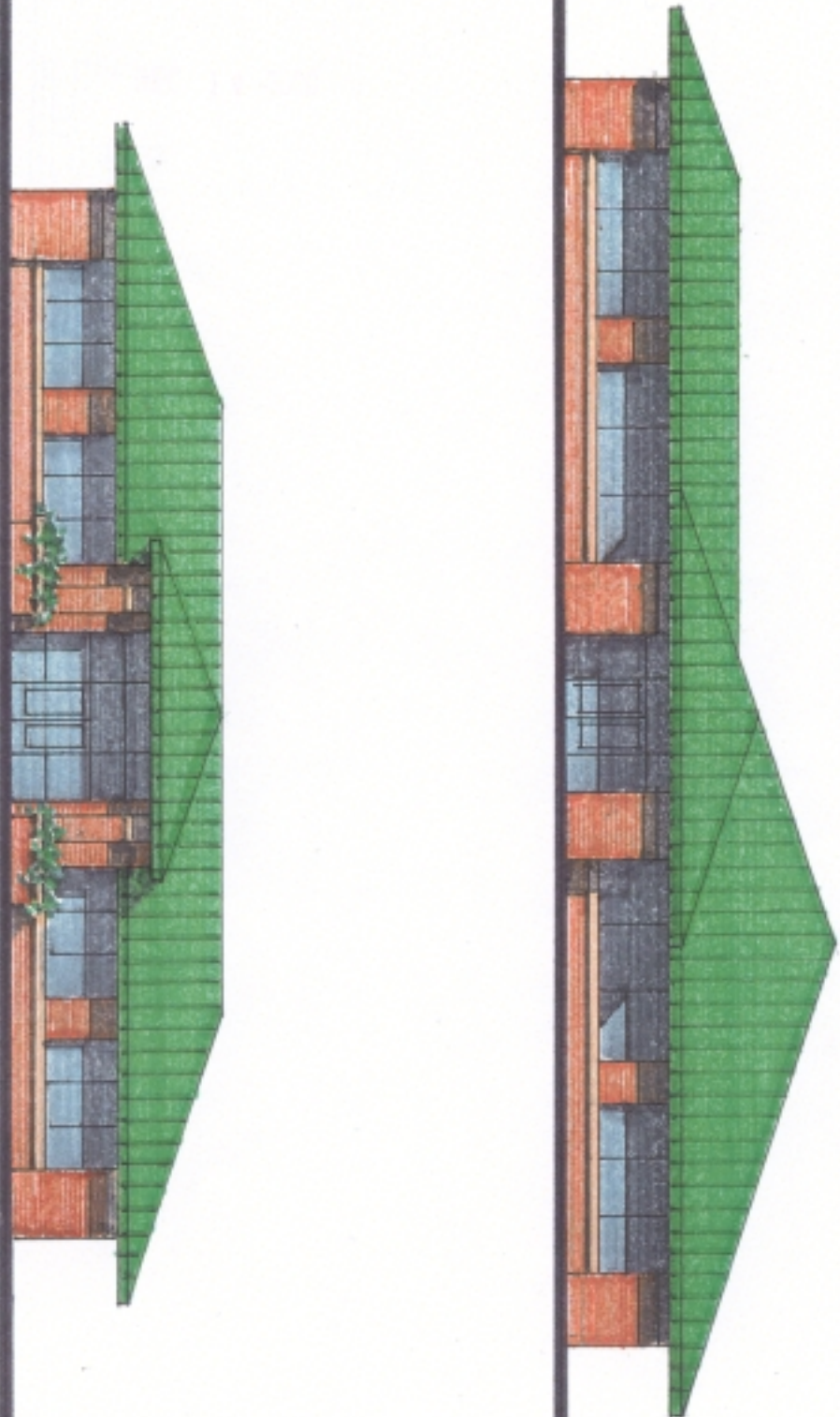
Exhibit "A"

Use Permit Application- Stockwell Office Park

Legal Description:

A tract of land located in the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows: Referring to the Southeast corner of said Section 2; thence in a Northerly direction along the East line of the Southeast Quarter of said Section 2 on an assumed bearing of N 0 degrees 0 minutes 0 seconds E a distance of 1,376.70 feet. Thence N 90 degrees 0 minutes 0 seconds W perpendicular to the last described course a distance of 33.0 feet to a point on the Westerly 33.0 foot Right-of-Way line of 14th Street as platted in the City of Lincoln and the Point of Beginning. Thence S 59 degrees 55 minutes 35 seconds W a distance of 79.74 feet to a point on the Northeasterly 85.0 foot Right-of-Way line of Re-located 13th Street. Thence N 33 degrees 13 minutes 9 seconds W a distance of 376.01 feet. Thence N 23 degrees 4 minutes 57 seconds W a distance of 180.68 feet. Thence N 12 degrees 15 minutes 21 seconds W a distance of 155.02 feet to a point on the Southerly 30.0 foot Right-of-Way line of Stockwell Street. Thence S 89 degrees 1 minute 40 seconds E along the Southerly 30.0 foot Right-of-Way line of Stockwell Street a distance of 378.80 feet to a point on the Westerly 33.0 foot Right-of-Way line of said 14th Street. Thence S 0 degrees 0 minutes 0 seconds E along the Westerly 33.0 foot Right-of-Way line of said 14th Street a distance of 585.88 feet to the Point of Beginning.

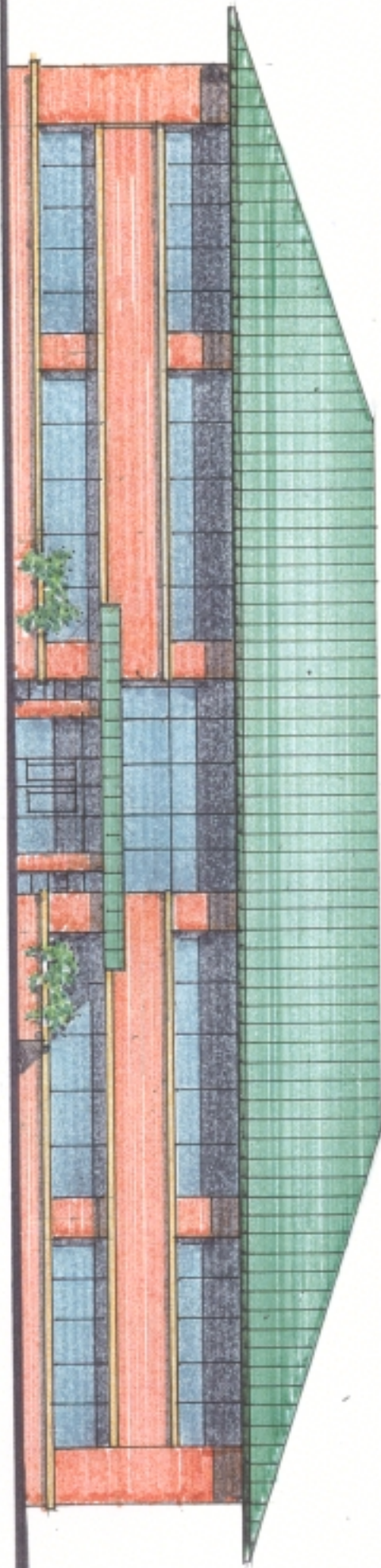




Concept Elevation - Stockwell Office Park - Use Permit 43A

Design Associates of Lincoln, Inc. 402-474-3000





Concept Elevation - Stockwell Office Park - Use Permit 43A

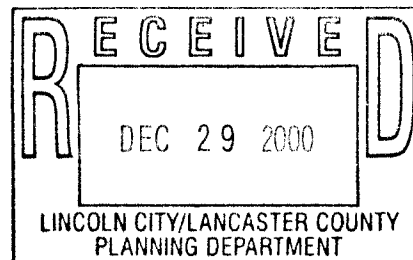
Design Associates of Lincoln, Inc. 402-474-3000

Memorandum

To: Jason Reynolds, Planning Department
From: Gary Lacy, Public Works and Utilities 221
Subject: Stockwell Office Park Use Permit #17 Resubmittal
Date: December 28th, 2000
cc: Allan Abbott, Roger Figard, Nicole Fleck-Tooze

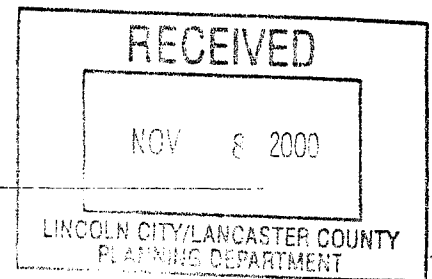
The City Engineer's Office of the Department of Public Works and Utilities has reviewed the resubmittal of Stockwell Office Park, Use Permit #17. Public Works has the following comment:

In regard to the waiver request concerning the installation of sidewalk along 13th Street, the letter dated November 7th, 2000 stated that the Sidewalk Department cannot support this waiver. The Sidewalk Department stills stands by this decision.



jaj UP17ResubStockwellOffPk gll

Memorandum



To: Jason Reynolds, Planning Department
From: Gary Lacy, Public Works and Utilities *ALL*
Subject: Use Permit, Stockwell Office Park, 13th and Stockwell Street
Date: November 7th, 2000
cc: Allan Abbott, Roger Figard

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Use Permit for Stockwell Office Park, 13th and Stockwell and has the following comments:

The developer must comply with the Notification Compliance Requirements for Land Disturbance that was adopted by ordinance. These forms must be submitted for approval to the NRD prior to beginning any grading. Per the note on the drainage plan, final calculations and design of the detention prior to grading should be made a requirement of this use permit.

In regards to the waiver request concerning the installation of sidewalk along 13th Street and Burnham. There has been inquiry and request for future sidewalk along Highway #2. This was discussed by the Sidewalk Department and a waiver cannot be supported.

This office can support the waiver request for the placement of signage in the front yard except in Lot 4. The sign location is within the storm sewer easement and no structures shall be constructed within the utility easement. All sign locations must meet sight distance requirements.

On the site plan, show sewer and water. No sewer is presently available.

Provide one driveway and internal circulation. It is unacceptable to use the street as circulation between aisles.

jaj UPStockwellOffPrk gll

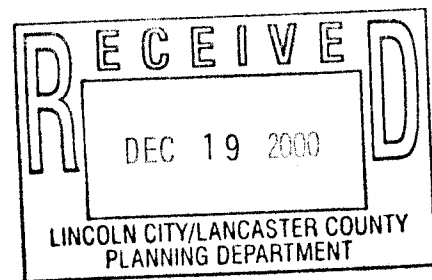
Memorandum

To: Jason Reynolds, Planning
From: Rachel Martin, Parks and Recreation
Date: December 18, 2000
Re: Stockwell Office Park

Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions.

Rachel



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF00026**

Address

Job Description: **STOCKWELL OFFICE PARK**

Location: **STOCKWELL OFFICE PARK**

Special Permit: **N**

Preliminary Plat: **N**

Use Permit: **Y**

CUP/PUD: **N**

Requested By: **JASON REYNOLDS**

Status of Review: **Approved**

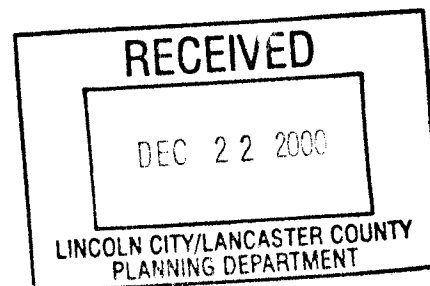
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: 11/7/2000

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: Stockwell Office Park
SP #17

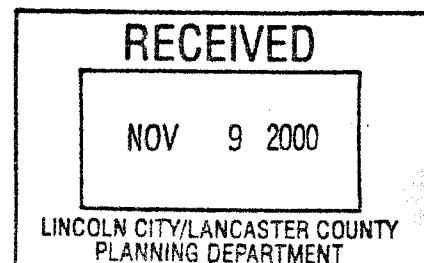
Thank you for opportunity to provide input on this plan review process.

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for the use permit to construct a mixed-use development for incompatible land-uses. The LLCHD has not identified any potential negative environmental health impacts from this proposed development.

However, given the proximity to R-2 of the proposed development, the applicant is encouraged to review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.

With respect to storm water management, LLCHD does have some concerns regarding the increase in paved parking lots and the accompanying increase of polluted runoff. The applicant is encouraged to incorporate better parking lot designs which will minimize polluted runoff.

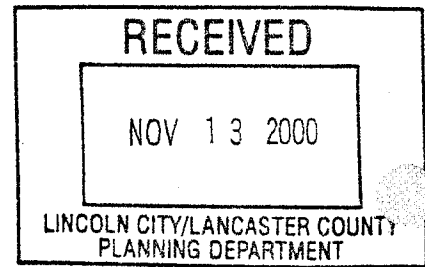
If you have any questions, please contact me at 441-6272.



MEMORANDUM

DATE: 11-9-00

TO: Jason Reynolds - Planning Department
FROM: Dennis Duckworth - Police Department
REG: Combined UP/SP #17 Stockwell Office Park



Jason:

The Police Department has no problems with this Combined Use Permit/
Special Permit # 17.

Thank you,

A handwritten signature in cursive script, appearing to read "Dennis Duckworth".

Sergeant Dennis Duckworth
Lincoln Police Department
441-7215



INTER-DEPARTMENT COMMUNICATION

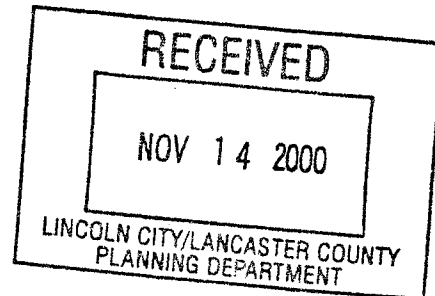
TO Jason Reynolds, City Planning
SUBJECT DEDICATED EASEMENTS
DN #39S-13E

DATE November 13, 2000
FROM Sharon Theobald
(Ext. 7640)

Attached is the Use Permit for Stockwell Office Park.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require a blanket utility easement, over Outlot "A".


Sharon Theobald



ST/nh
Attachment
c: Terry Wiebke
Easement File

MEMORANDUM

TO: Planning Commissioners

FROM: Jason Reynolds 
Planning Department

SUBJECT: Use Permit 43A, Stockwell Office Park

DATE: January 8, 2001

COPIES: Dennis Bartels, Public Works
Ray Hill
Kathleen A. Sellman
J.D. Burt, Design Associates
Danay Kalkowski, Seacrest & Kalkowski

The applicant has provided additional documentation which shows the locations of the houses across S. 14th St. from the proposed exit drive. The "exit" side of the drive is aligned with a gap in the houses, so a portion of Condition 1.1.11 should be removed as follows:

- 1.1.11 Show the residential drives on the east side of S. 14th St. ~~and align the parking lot exit with one of the drives.~~

I:\PC\PERMITS\UP\UP43A.pcmemo.wpd

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for P.A.S.#: Use Permit #43A, Stockwell Office Park to read as follows:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plan are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 Revise the landscape plan to show additional landscaping along S. 14th Street to provide a 100% screen of the vertical plane from 2 to 15 feet extending along the drive through banking facilities located on the northsouthwestern portion of the site.

- 1.1.2 Provide parking lot screening that meets Design Standards.

- 1.1.3 Orient the vicinity map so that its north matches that of the Site Plan and show more streets, including S. 13th and Highway 2.

- 1.1.4 In Note 5, add "a municipal corporation," after "Nebraska,"; remove "communications" after "Alltel"; replace "T.V. Transmission" with "Time Warner Entertainment-Advance/Newhouse"; add Peoples Natural gas, and add "gas," after "electricity"; and replace "plat" with "site plan".

- 1.1.5 In Note 14, add "to the Public Works and Utilities Department" after "schedule" and replace "is done" with "begins".

- 1.1.6 Revise Note 18 to state: The Developer agrees to install sidewalk along S. 13th Street. Due to the grade of the S. 13th Street right-of-way the sidewalk will be located between the curb of S. 13th Street and the street light poles. In Note 18, add "on S. 13th Street" after "to the north of this site".

- 1.1.7 ~~Delete Note 20, which addressed signs in the front yard setbacks.~~

1.1.78 Revise Note 21 to read "All signs shall be in compliance with Chapter 27.69 of the L.M.C., except to the extent a waiver is granted permitting signage in the front yard setback along S. 13th Street."

1.1.89 In Note 24, change "presented to the Planning Department to" to "included as Exhibit A as part of Use Permit approval".

1.1.940 If the drive through bank features a canopy, provide an elevation showing the canopy design.

1.1.1011 Show the residential drives on the east side of S. 14th Street ~~and align the parking lot exit with one of the drives.~~

1.1.1112 In Notes 5, 6, and 8, replace "is hereby dedicated/granted" with "shall be granted in the final plat".

2. This approval permits 48,675 square feet of office and financial use and rescinds Use Permit #43.

General:

3. Before receiving building permits:

3.1 The construction plans shall comply with the approved plans.

3.2 Administrative Final Plats shall be approved by the City.

4. The City Council shall have approved:

4.1 A waiver permitting placement of signage in the front yard setback along S. 13th Street.

STANDARD CONDITIONS:

45. The following conditions are applicable to all requests:

45.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

45.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 45.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 45.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 45.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Introduced by:

Approved as to Form & Legality:

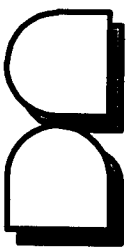
City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.

DESIGN ASSOCIATES OF LINCOLN, INC.



1609 "N" STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-3000
FAX: (402) 474-4045
desassoc@inebraska.com

ARCHITECTS-ENGINEERS-PLANNERS



ZONED O-3

SOUTH 13TH STREET

STOCKWELL STREET

ZONED P

ITI SPACES

SOUTH 14TH STREET

ZONED B-1

ZONED R-2

BURNHAM ST

1 OF 1



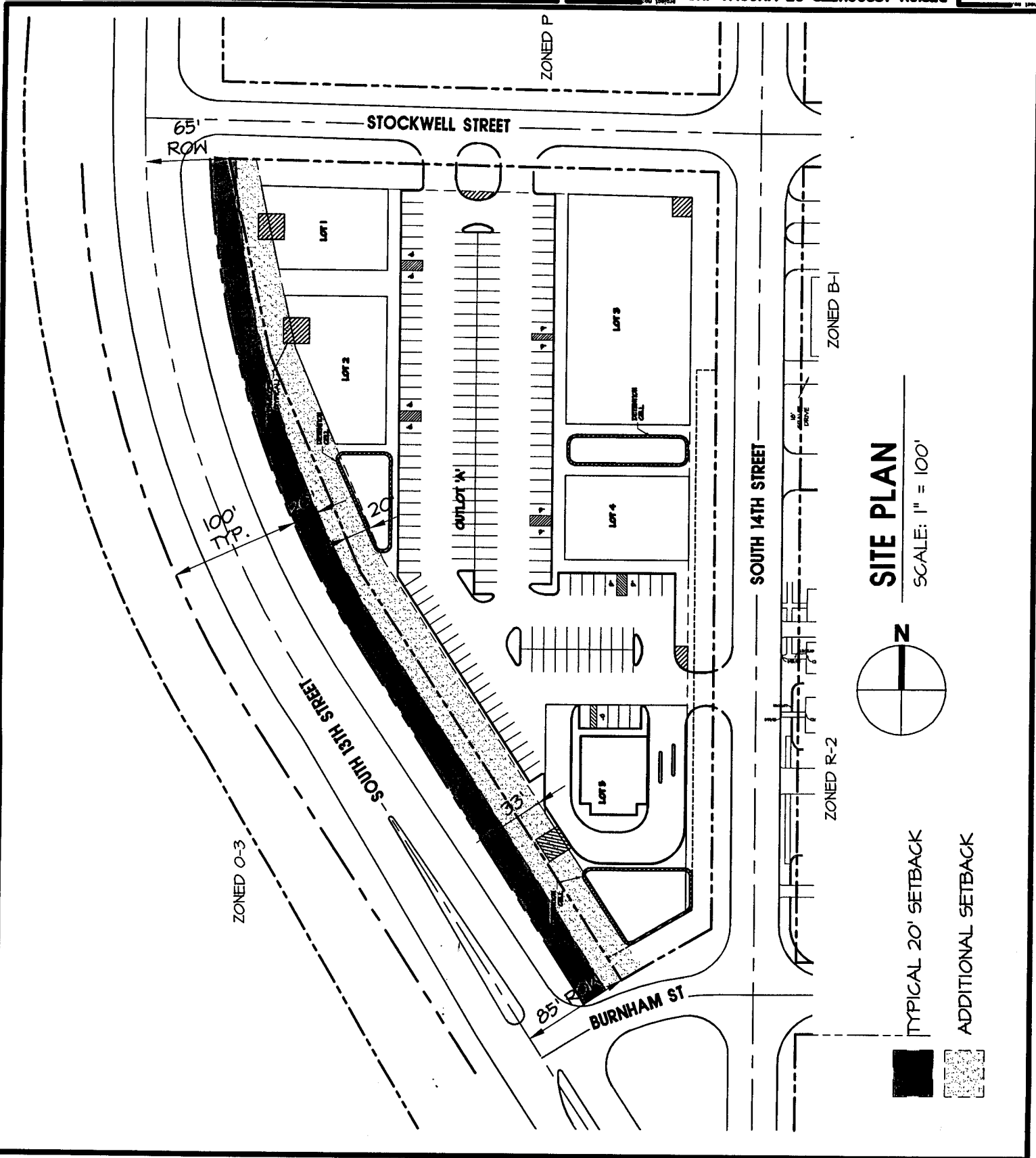
DESIGN ASSOCIATES OF LINCOLN, INC.
1609 "N" STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-3000
FAX: (402) 474-4045
desassoc@nebriksa.com

200089

STOCKWELL OFFICE PARK

SIGN ENVELOPES
LINCOLN, NEBRASKA

09 JAN 2007



SITE PLAN

SCALE: 1" = 100'



TYPICAL 20' SETBACK

ADDITIONAL SETBACK

